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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Wynn Resorts Holdings, LLC, a Nevada
 Limited Liability Company,

Plaintiff,

v.

Elliot Fisher, an individual,

Defendant.

Case No. CV-S-05-1443-LDG-LRL

AMENDED DEFAULT JUDGMENT

Plaintiff Wynn Resorts Holdings, LLC, having filed a Motion for Entry of Default Judgment against Defendant Elliot Fisher pursuant to Rule 55 of the Federal Rules of Civil Procedure; the Defendant having failed to respond to, or answer, Plaintiff's Complaint previously served upon Defendant; the Clerk of the Court having entered Default against Defendant on July 26, 2006; this Court having now given due consideration to Plaintiff's Motion for such judgment as well as papers, pleadings, and exhibits offered in support thereof; and the Court being further fully advised in the matter and there having been no appearance made by Defendant, it is therefore,

1 ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of
 2 Plaintiff Wynn Resorts Holdings, LLC, and against Defendant Elliot Fisher, on all counts of
 3 Plaintiff's Complaint; and, it is further ordered and adjudged that said Judgment shall
 4 include the following specific findings of fact and award of specific relief:

- 5 a. Plaintiff Wynn Resorts Holdings, LLC, is the owner of certain WYNN
 6 trademarks and variations thereof used in relation to casino and resort-hotel
 7 and travel reservation services as identified in the Complaint;
- 8 b. Plaintiff Wynn Resorts Holdings, LLC's WYNN marks are famous;
- 9 c. Defendant registered and used the Infringing Domain Names
 10 <wynninmacau.com>, <wynnhongkong.com> and <wynnatlanticcity.com>
 11 with the bad faith intent to profit from his use of Plaintiff's marks;
- 12 d. Defendant offered to sell the Infringing Domain Names through his websites
 13 accessible at <wynninmacau.com>, <wynnhongkong.com> and
 14 <wynnatlanticcity.com>;
- 15 e. Plaintiff and Defendant are competitors and the respective services offered by
 16 each are similar;
- 17 f. Defendant's use of the term WYNN in connection with his services is likely to
 18 cause confusion as to the source and origin of Defendant's services;
- 19 g. Defendant's use of the term WYNN in connection with his services has and is
 20 likely to continue to cause dilution of Plaintiff Wynn Resorts Holdings, LLC's
 21 WYNN marks;
- 22 h. Should Defendant's use of the term Wynn continue, Plaintiff will continue to
 23 suffer irreparable injury to its good will and reputation which was established
 24 through use of the WYNN marks and for which an award of damages would
 25 be inadequate.
- 26 i. Should Defendant's use of the term WYNN continue, Plaintiff will continue to
 27 suffer irreparable injury as the Wynn marks will lose their capacity to identify
 28

1 its goods and services; i.e., they will be diluted, for which an award of
 2 damages would be inadequate;

3 j. Defendant acted willfully in his infringement and dilution of the WYNN marks;
 4 and

5 k. Defendant is liable for his infringement, dilution, unfair competition and
 6 cybersquatting.

7 THEREFORE, IT IS HEREBY ORDERED that the Defendant Elliot Fisher, his
 8 respective officers, agents, servants, employees, and/or all persons acting in concert or
 9 participation with him, (1) from using Plaintiff's trademarks or confusingly similar variations
 10 thereof, alone or in combination with any other letters, words, letter strings, phrases or
 11 designs, in commerce or in connection with any business or for any other purpose
 12 (including, but not limited to, on web sites and in domain names); and (2) from registering,
 13 owning, leasing, selling or trafficking in any domain name containing Plaintiff's trademarks
 14 or confusingly similar variations thereof, alone or in combination with any other letters,
 15 words, phrases or designs;

16 IT IS FURTHER ORDERED that Verisign, Inc., the registry, shall be required under
 17 15 U.S.C. § 1125 (d)(2)(D)(i) to change the registrar of record for the domain names
 18 <www.wynninmacau.com>, <www.wynnhongkong.com>, and <wynnatlanticcity.com> to
 19 Tucows, Inc., which will subsequently permanently transfer the <www.wynninmacau.com>,
 20 <www.wynnhongkong.com>, and <wynnatlanticcity.com> domain names to Plaintiff;

21 IT IS FURTHER ORDERED that Defendant pay Plaintiff \$1,000 in nominal damages
 22 for corrective advertising;

23 IT IS FURTHER ORDERED that Defendant pay Plaintiff statutory damages of
 24 \$100,000;

25 IT IS FURTHER ORDERED that Defendant pay Plaintiff's attorneys' fees and costs
 26 in the amount of \$4,032.40;

27 ///

28 ///

1 IT IS FURTHER ORDERED that Plaintiff's cash deposit of Three Hundred Dollars
2 (\$300.00) be released from the Registry Account of this Court and returned to Greenberg
3 Traurig.

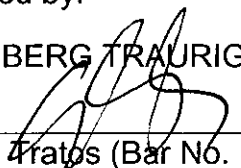
4 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this
5 Court for the purpose of enforcement of this Judgment.

6
7 
UNITED STATES DISTRICT JUDGE

8 DATED: 9 MAR 2007

9 Submitted by:

10 GREENBERG TRAURIG, LLP

11 
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